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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/687,269	10/16/2003		John Gavin MacDonald	KCX-841 (19233)	9988	
22827	7590	08/21/2006		EXAMINER		
DORITY & POST OFFI		•	GEORGE, KONATA M			
GREENVILLE, SC 29602-1449				ART UNIT	PAPER NUMBER	
				1616	1616	
				DATE MAILED: 08/21/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	10/687,269	MACDONALD ET AL.				
Office Action Summary	Examiner	Art Unit				
	Konata M. George	1616				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION (36(a). In no event, however, may a reply be time will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	l. ely filed the mailing date of this communication. O (35 U.S.C. § 133).				
Status						
Responsive to communication(s) filed on 2a) ☐ This action is FINAL . 2b) ☑ This 3) ☐ Since this application is in condition for allowa closed in accordance with the practice under the practice under the practice.	s action is non-final. nce except for formal matters, pro					
Disposition of Claims						
4) ⊠ Claim(s) 1-18 is/are pending in the application 4a) Of the above claim(s) is/are withdra 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are rejected. 7) □ Claim(s) is/are objected to. 8) ☒ Claim(s) 1-18 are subject to restriction and/or	wn from consideration.					
Application Papers						
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) accomplicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Examine 1.	epted or b) objected to by the E drawing(s) be held in abeyance. See tion is required if the drawing(s) is obj	e 37 CFR 1.85(a). ected to. See 37 CFR 1.121(d).				
Priority under 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
Attachment(s) 1) Notice of References Cited (PTO-892)	4) Interview Summary					
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 	Paper No(s)/Mail Da					

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DETAILED ACTION

Claims 1-18 are pending in this application.

Restriction Requirement

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-14, 16 and 17, drawn to an article for controlling odor comprising a visual indicating agent, classified in class 428, subclass 221.
- II. Claim 15, drawn to odor controlling nanoparticles, classified in class 424, subclass 489.

The inventions are independent or distinct, each from the other because:

Inventions I and II are related as products which share an alleged common utility of an article for controlling odor but the common utility is not linked to a substantial structural feature. The products in this relationship are distinct if either or both of the following can be shown: (1) that the products encompass embodiments that are not required to perform the common utility or (2) that the products as claimed can be used to perform another utility. In this case, the products encompass embodiments that are not required to perform the common utility, as evidenced by claim 1, which is directed towards is the visual indicating agent that is color sensitive to the odor. Whereas, group II is directed towards an article comprising coated or partially coated particles.

Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

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A telephone call was made to Christina Mangelsen on July 25, 2006 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Telephone Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Konata M. George, whose telephone number is 571-272-0613. The examiner can normally be reached from 8AM to 6:30PM Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter, can be reached at 571-272-0646. The fax phone numbers for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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you have question on access to the Private Pair system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Konata M. George Patent Examiner Technology Center 1600

> SHELLEY A. DODSON PRIMARY EXAMINER